

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appln. No: 10/528,793  
Applicant: Toru Miyano  
Filed: March 23, 2005  
Title: DISK APPARATUS, DISK APPARATUS CONTROLLING  
METHOD, PROGRAM AND RECORDING MEDIUM  
TC/A.U.: 2621  
Examiner: Oluwaseun Adegeye

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98 and to the duty of disclosure set forth in 37 C.F.R. § 1.56, the Examiner in charge of the above-identified application is requested to consider and make of record the reference listed on the PTO/SB/08b submitted herewith. A copy of the reference listed on the PTO/SB/08b is enclosed.

Although the information submitted herewith may be "material" to the Examiner's consideration of the subject application, this submission is not intended to constitute an admission that such information is "prior art" as to the claimed invention.

In accordance with 37 C.F.R. § 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.

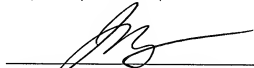
This reference was cited by a foreign patent office in a counterpart foreign application. MPEP Section 609(a)iii, second paragraph.

More than three months have elapsed since the filing of the above-referenced application and a first (non-Final) Official Action has been received. No Final Action or Notice of Allowance has yet been received and it is presumed that none has yet been mailed. Accordingly, as more specifically indicated below, a statement as required by 37 C.F.R. § 1.97(c) is provided herewith.

STATEMENT

The undersigned hereby states that each item of information disclosed in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement.

Respectfully submitted,



Jacques L. Etkowicz, Reg. No. 41,738  
Attorney for Applicant

JLE/dmw

Enclosures: PTO/SB/08b  
(1) Reference

Dated: May 22, 2008

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